

April 12, 1973

(Begin Belt #15)

If not, are you ready for the question? All those in favor of Senator Luedtke's amendment to the committee amendment say aye, those opposed no. The amendment is adopted. Senator Luedtke.

SENATOR LUEDTKE: Now, Mr. President, I would move for the adoption of committee amendment as amended. The committee amendment merely goes to, this was set up by Senator Moylan's bill through the Banking Committee was to make it apply to county officials and since all of this legislation and tort claims should deal with all political subdivisions, we made it apply in the amendment to all other political subdivisions and make sure that these particular protections of this kind would not apply to those officials who would be convicted of a crime. In other words, if you're going to allow these people to, in the performance of their duty, to be indemnified, certainly it should not be done if they have been convicted of a crime. So we, in the amendments, we make reference to negligent behavior in the commission, error, a negligent or omission of some activity to define what would be covered and then we go on to say this act is not to be construed so as to permit a municipality or a county to pay for a judgment obtained against an individual as a result of illegal acts committed by such individual. This would be such as embezzlement or any other crime. So this was to make the bill that much more effective.

SPEAKER: Senator Stahmer.

SENATOR STAHMER: Senator Luedtke, you used the phrase, if I caught it correctly, found guilty of a crime. Do you mean that they would be defended if they are charged with the crime or do we exclude those charged with the crime?

SENATOR LUEDTKE: Well, in answer to your question there would be no, unless they were convicted of a crime you could not deny them this protection unless they were actually convicted because their rights would still be there. Perhaps they were not guilty of that crime, so unless they were convicted why--in other words, they would hold in abeyance of payment of any of these claims until that criminal act would be decided.

SPEAKER: Is there further discussion on the committee amendment? Are you ready for the question? Question is, shall the committee amendment be adopted? All those in favor say aye, those opposed no. Amendment is adopted. Any further amendments, Mr. Clerk.

CLERK: None.

SPEAKER: Senator Carstens is not here. Senator Duis.

SENATOR DUIS: Oh, pardon me, Senator Moylan, did you want... Go ahead.

SENATOR MOYLAN: Okay. Mr. Chairman, the Banking Committee introduced this bill at my request so--Senator Luedtke I think has explained the whole bill. It's just a matter of protecting these elected officials of any governmental subdivision from liability in the due course of their work, not for any criminal liability on their part and I would move that the bill be advanced to E & R for Initial.

SPEAKER: Is there any further discussion? Are you ready for the question? Question is, shall the bill be advanced? All those in favor vote aye, those opposed vote no. Clerk will record.